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**Z-2541**  
**PHYLLIS EMENS**  
**NBU to R1U**

**STAFF REPORT**  
**July 11. 2013**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of owner, is requesting the rezoning of a lot in Dayton located at the northeast corner of Walnut and Market Streets from NBU to R1U for the purposes of establishing her residence and a Child Care Home (up to 10 children). The property is commonly known as 730 Walnut Street (SR 38), Dayton, Sheffield 4(SW) 22-3.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The earliest zoning maps for Dayton show this property zoned GB, then in 1977 it was rezoned to LB (Z-855). Later, with the adoption of the zoning ordinance in 1998, the property became NB, and later that year it became NBU with the overall Town rezone (Z-1770).

The site is on the edge of the Town's downtown area which is dominated by NBU zoning. Properties to the north, east and south are zoned R1U, single-family residential. However, three properties further to the east along Walnut Street is a historic commercial building in the NBU zone.

**AREA LAND USE PATTERNS:**

The site in question was formerly the home of Soller-Baker Funeral Home but has been on the market since it closed in 2012. Single-family homes are located west across Market as well as to the north and east. A church is located south across Walnut.

**TRAFFIC AND TRANSPORTATION:**

This property is located at the corner of Walnut (SR 38) and Market Streets, an Urban Primary Arterial and an Urban Local Road respectively. Traffic counts taken a few blocks to the east on Walnut Street in 2008 indicate that 7,523 vehicles travel this roadway on average per day.

The site has an attached 1-car garage and room for two cars in the driveway.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

The site is served by public utilities.

**STAFF COMMENTS:**

This building on the property was built around 1940 per the Assessor's records for a funeral home and then purchased by Soller-Baker in 1980. This funeral home was in

operation until 2012 and then went on the market. Earlier this year, petitioner contacted staff about locating her residence here with a daycare business. Because the site is zoned NBU, residences are not permitted on the ground floor. Because the building has no second floor, petitioner was told that R1U zoning would allow her to live there and operate a Child Care Home.

The UZO defines Child Care Homes as “a state licensed (or exempted) facility in a residential structure where one or more individuals provide child care for 6 to 10 children, for more than 4 hours but less than 24 hours, for 10 or more consecutive working weekdays. The structure shall be occupied as a residence.”

This property is located at the eastern edge of Dayton’s downtown area. Single-family homes exist to the north and east, but located south is a church and an additional commercial building is located further east along Walnut. The property became zoned NBU so that should the site be redeveloped, it would be constructed close to the sidewalk mirroring other historic commercial buildings on Walnut Street.

If the existing structure is to be reused, a residential use may be much easier to establish, especially considering its one-story ranch home appearance. When the plan amendment was done for Dayton, this was an established commercial use, so the plan reflected that. Staff understands that it is very unlikely that in the near future this building will be demolished and a new structure built with NBU standards.

Rezoning this lot to an urban residential zone for a residence and a Child Care Home provides a good transition area between the commercial core of Dayton and its neighborhoods and staff can support this request.

**STAFF RECOMMENDATION:**

Approval